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Georgia*

The present report is a summary of 15 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to United Nations translation services.

I. Background and framework

A. Scope of international obligations

1. Joint Submission 4 (JS4) and Joint Submission (JS5) recommended that the Government ratify the Convention on the Rights of Persons with Disabilities (CRPD).² Joint Submission 5 (JS5) recommended as well the ratification of its optional protocol.³ The European Commission against Racism and Intolerance (COE/ECRI) recommended ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁴

2. Joint Submission 2 (JS2) recommended amending the Georgian procedural law to review enforced court decisions based on the UN Human Rights Committee views. It called for a mechanism to monitor implementation of UN obligations, recommendations and decisions.⁵

3. Joint Submission 1 (JS1) recommended the harmonization of Georgian Legislation with the Convention on the Rights of the Child.⁶ Similarly, Joint Submission 4 (JS4) stated that Georgian legislation should be amended in accordance with the regulations of CRPD. The definition of “person with disability” should be brought into accordance with international standards.⁷

B. Constitutional and legislative framework

4. According to Joint Submission 6 (JS6), the constitutional amendments enacted in February 2004 underpinned already disproportionately strong presidential powers. It added that parliamentary control mechanisms have been weakened, in particular the procedures for declaring a vote of confidence which have become more complicated, while the procedure for the President to dismiss Parliament has been simplified.⁸

5. The Psycho–Rehabilitation Centre for Victims of Torture, Violence and Pronounced Stress Impact “EMPATHY” (RCT/EMPATHY) called for a strategic plan to implement the principles of the Convention against Torture and principles of international humanitarian law across the whole territory of Georgia, including the occupied territories.⁹

C. Institutional and human rights infrastructure

6. JS1 stated that monitoring of child care institutions conducted by the Public Defender has shown systematic problems regarding lack of awareness among children concerning their rights, different forms of ill-treatment and abuse, forced labour, living conditions below minimal standards, ethnic discrimination, gap in participation in decision making process concerning education and health, lack of consideration for the interests and opinions of a child, problems with the protection of confidentiality at care institutions, inadequate clothing and medical supplies, hygiene facilities.¹⁰

D. Policy measures

7. The Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities (COE/ACFC) urged steps to ensure that implementation

of the existing legislation on the use of the official language does not give rise to discrimination against national minorities.¹¹

8. JS5 noted that despite certain positive changes, inadequate attention was paid to women's rights and gender equality issues on the policy-making level.¹² JS5 stated the Interagency Governmental Commission on Gender Equality Issues and the "Action Plan on carrying out gender equality policy 2007-2009" have proved ineffective.¹³ JS5 called for gender mainstreaming in planning and implementation of state policies in different spheres.¹⁴

9. JS2 stated that in the state policy with regard to issues of peace and conflict, gender parameters and gender needs of the affected population and internally displaced women were not taken into account. Women were not represented adequately in the processes of conflict prevention, negotiation, peace incentives and post-conflict reconstruction. At the ministries there was a decrease in the number of women working for resolution of these issues.¹⁵

10. JS4 recommended that the total budget on programs for persons with disabilities be increased.¹⁶

II. Promotion and protection of human rights on the ground

Implementation of international human rights obligations

1. Equality and non-discrimination

11. COE/ECRI was concerned at allegations that ethnic cleansing took place against ethnic Georgians in South Ossetia in the context of the 2008 conflict.¹⁷ It also cited reports of excessive nationalism and propaganda targeting Russians, Abkhazians and Ossetians, describing them as "enemies".¹⁸ It recommended monitoring the situation for manifestation of stereotypes of minority groups in political discourse and in the media.¹⁹ COE/ECRI further noted that some groups were said to be victims of stereotyping in the media by being associated with crime and terrorism.²⁰ COE/ACFC added however that the 2008 conflict seemed not to have seriously affected inter-ethnic relations in Georgia in the areas under Government control.²¹

12. The Public Movement "Multinational Georgia" (PMMG) noted that senior government posts tend to be occupied by ethnic Georgians, and there was a firm perception of ethnic discrimination in personnel appointments, especially in law enforcement agencies.²²

13. JS3 recommended that the State adopt policies to prevent promotion of hate against its citizens,²³ and that competent State authorities undertake prompt and objective investigation of any action directed against the life, liberty and security of the person.²⁴

14. COE/ACFC called for a prohibition of discrimination in fields including access to housing, social protection and public goods and services.²⁵ It also called for amending legislation to make racist motivation for a crime an aggravating circumstance.²⁶

15. JS5 indicated that the Gender Equality Law was a step forward, but it had some deficiencies, namely that it was more declarative than practical.²⁷ De facto gender equality remained an issue.²⁸

16. COE/ECRI noted that Roma seemed to suffer from widespread prejudice and marginalisation, partly explaining the extreme poverty in which some of them live and the low school attendance among Roma children.²⁹

17. JS1 stated that anti-discrimination provisions established in Georgian legislation were not in full accordance with CRC. It cited the Committee on the Rights of the Child's view that the legislation did not cover all vulnerable groups, such as children with disabilities, minority and internally displaced children.³⁰ JS1 added that for instance, Roma children did not receive general obligatory education and they mostly had to live in poverty.³¹

18. JS4 recommended that the State should take effective measures to eliminate the discrimination of persons with disabilities by insurance companies.³²

19. Joint Submission 3 (JS3) noted that in 2000, homosexuality was decriminalized. However Georgia still lacked an anti-discrimination law to protect traditionally discriminated minorities.³³ JS3 cited a number of examples of discrimination on grounds of sexual orientation.³⁴ It recommended that the Ministry of Health, Labor and Social Affairs recall its ban for homosexuals to donate blood.³⁵ JS3 added that one of the most brutal police actions against LGBT people in Georgia was evidenced during the raiding of offices of the only openly LGBT NGO in the country that took place on December 2009.³⁶

2. Right to life, liberty and security of the person

20. The Georgian Young Lawyers Association (GYLA) noted that during the 2008 war, human rights violations were committed, such as unlawful and disproportionate use of force by the Georgian military, unlawful detention of persons, inhuman treatment and disappearances. In spite of requests sent to the Georgian Prosecution Office, investigations had not started or they had progressed slowly and ineffectively.³⁷ JS2 stated that no crime against civilians during the war has been investigated yet.³⁸ GYLA recommended effective and timely investigation of crimes committed by representatives of Georgian authorities during and after the war.³⁹ JS2 recommended effectively investigate War Crimes and Crimes on Gender Based Sexual Violence.⁴⁰

21. RCT/EMPATHY stated that after the August 2008 war, the number of torture victims, victims of ethnic discrimination, ethnic cleansing and war crimes, increased.⁴¹ It noted that the definition of torture in the Criminal Code was not in line with the Convention Against Torture, and that the Government was responsible for failing to conduct prompt, effective and impartial investigations. RCT/EMPATHY added that services offered to victims of torture and war crimes were provided only by the private sector.⁴² It called for provisions in the law for prompt and obligatory forensic medical and psychological examination in cases of torture.⁴³ RCT/EMPATHY also called for the establishment compensation and rehabilitation fund for victims.⁴⁴ Torture prevention information must also be included in the curricula for the security forces and other persons dealing with imprisonment and interrogation.⁴⁵

22. JS2 stated that an overwhelming number of instances of rape and other sexual violence occurred during the 2008 conflict.⁴⁶ JS5 added that sexual, physical, psychological and economic violence increased as a result of conflicts and civil wars in different periods in Abkhazia and South Ossetia.⁴⁷ JS2 recommended effectively investigate War Crimes and Crimes on Gender Based Sexual Violence.⁴⁸

23. JS6 noted that deprivation of life as a result of excessive use of force by law enforcement officials, lack of effective investigations and lenient judgments in those few cases which reached the courts, has been a long standing problem in Georgia.⁴⁹

24. The Public Defender's Office (PD) noted that a special monitoring group had identified several individual instances of ill-treatment although this is not a systemic problem in the penitentiary institutions of Georgia anymore.⁵⁰ PD recommended ensuring prompt and effective investigation of allegations of ill-treatment within penitentiary establishments.⁵¹ JS6 stated that Government officials, particularly representatives of the

Ministry of Internal Affairs, continued to employ practices of torture, cruel treatment and punishment. It cited a number of documented cases targeting political party and civic activists and their family members.⁵²

25. JS6 noted that the Law on Police is the only regulation of the use of lethal force by law enforcement officials, which does not expressly require that use of force in all circumstances must be proportionate to the legitimate aim pursued.⁵³ It stated that in 2009, there was a sharp increase in the use of the excessive force by police officers, citing that on May 6 2009, the police used plastic bullets against peaceful demonstrators. As a result dozens of people were injured. This instance was not investigated by the Prosecutor's Office.⁵⁴ The European Committee for the Prevention of Torture and inhuman or degrading treatment or punishment (COE/CPT) recommended in 2007 that all law enforcement staff be continuously reminded that no more force than is strictly necessary should be used in apprehending a person.⁵⁵ It called for further efforts to ensure effective operation of the system of legal aid for persons in police custody.⁵⁶

26. PD cited a number of systemic problems across all penitentiary institutions that need to be urgently tackled despite the ongoing reform.⁵⁷ PD also stated that in some of the penitentiary establishments, living and sanitary-hygienic conditions were as poor as to consider prisoners of those establishments to be in inhuman and degrading conditions.⁵⁸ RCT/EMPATHY added that medical units at prisons do not have to undergo a licensing process.⁵⁹ PD recommended taking adequate measures to ensure maintenance of an adequate living and sanitary-hygienic situation in all penitentiary establishments.⁶⁰

27. PD stated that overcrowding, one of the most serious problems in the penitentiary system, is directly related to the State's criminal justice policy of "zero tolerance".⁶¹ JS6 noted that after 2003, the prison population increased by approximately 300 per cent. It recommended increasing the use of measures alternative to detention and imprisonment legally available.⁶² COE/CPT called on the Georgian authorities to redouble their efforts to combat prison overcrowding.⁶³

28. COE/CPT called for further steps to reinforce protection of the rights of juveniles in police custody, particularly given the lower minimum age of criminal responsibility of 12 for certain crimes.⁶⁴ JS1 noted that girl convicts remain in the same detention facilities as adults. Living conditions for children detainees remain inadequate at juvenile justice facilities, and bullying remains a hot issue.⁶⁵

29. COE/ACFC noted of allegations of inadequate protection of persons belonging to the Azeri minority by law enforcement agencies in Kvemo-Kartli.⁶⁶

30. Regarding domestic violence, JS5 recommended the State ensure timely establishment of shelters and a hotline for survivors and ensure budgetary support. It also recommended the State define the role of social workers explicitly to actively engage in the work against domestic violence. JS5 further recommended active steps towards elaboration of the strategy of rehabilitation of perpetrators of domestic violence.⁶⁷

31. JS5 recommended the State implement consequential and permanent measures to fight trafficking in human beings.⁶⁸

32. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment is lawful in the home,⁶⁹ and that while it is considered unlawful in schools, there is no explicit prohibition.⁷⁰ JS1 noted that a significant number of schoolchildren and their parents apply for assistance to NGOs and to the Public Defender with complaints about emotional and psychological violence in school settings. It called for a systematic approach towards violence against children.⁷¹

33. JS1 cited research showing that young people reaching the age of 18 when they have to leave child institutions face many problems. They do not possess basic skills needed for

independent living and are at high risk of ending up living in the streets, engaging in prostitution or criminal activities.⁷² JS1 recommended special measures to improve the condition of street children urgently, including through accessibility of educational, health and social services.⁷³

3. Administration of justice, including impunity, and the rule of law

34. JS6 stated that there is a lack of public trust in the judiciary and raised concerns about the independence of judges in cases where the state or the ruling party has any kind of political interest.⁷⁴ JS6 noted that the High Council of Justice that acts as a political body can exert pressure on judges through opening disciplinary proceedings on vaguely defined grounds.⁷⁵

35. According to PD, inadequate reasoning of interim and final decisions by courts represents one of the most problematic issues in the work of the judiciary.⁷⁶ It recommended further training of judges with regard to legal drafting and international standards.⁷⁷

36. JS6 added that extremely high conviction rates, with less than one per cent of acquittals in criminal cases, proved the allegation that judicial authorities continued to act as a rubber stamp for prosecutors' decisions.⁷⁸

37. COE/CPT noted that information on rights was provided only in Georgian, citing meetings with foreign detainees who stated they had not understood documents they had been asked to sign.⁷⁹

4. Right to marriage and family life

38. JS2 noted that during and after divorce, women face violations of their economic rights if their marriage is not registered officially.⁸⁰ According to official data more than 50 per cent of marriages are without official registration.⁸¹

5. Freedom of movement

39. GYLA stated that the legal regime of movement introduced by the Georgian Government in relation to the Abkhazia and Tskhinvali region⁸² hinders residents of these territories from free movement, economic activity necessary to support life and the possibility of defending their rights before the Georgian Government.⁸³ In addition, there have been facts that prove arbitrary limitation by the Georgian Government of the freedom of movement of persons residing in the Tskhinvali region.⁸⁴ The Commissioner for Human Rights of the Council of Europe (COE Commissioner) also noted, in 2009, that freedom of movement is not sufficiently protected, citing a need to find a solution reconciling appropriate security measures with the legitimate interest of local populations to move freely across the Inguri river.⁸⁵

40. GYLA added that the Georgian Government has limited the movement of goods. Lack of a clear regime of movement, ambiguous legislation concerning movement and the general tension between the parties to the conflict constitute a reasonable ground of fear for the residents of Abkhazia and Tskhinvali region that they may become victims of deprivation of liberty or limitation of their other rights if they enter the territory controlled by the Georgian Government.⁸⁶

41. COE/ACFC found that in certain regions, national minorities encounter problems when crossing borders, calling on the authorities to act to prevent arbitrary or unjustified obstacles to trans-frontier exchanges between minorities and persons living in neighbouring countries.⁸⁷

6. Freedom of religion or belief, expression, association and peaceful assembly and right to participate in public and political life

42. COE/ACFC noted the particular concern of national minorities regarding their religious and historical buildings and the absence of appropriate state support, citing reports of vandalism and attempts to destroy these monuments.⁸⁸

43. PMMG stated that religious minorities are subject to direct and indirect discrimination, citing that their religious organizations can only be registered as associations and funds⁸⁹ while the Georgian Orthodox Church enjoys certain privileges, such as legal status as a religious community.⁹⁰

44. The European Centre for Law and Justice (ECLJ) noted that one of the most contentious issues in recent years has been the return of church properties seized during the Soviet era to their respective religious groups.⁹¹

45. COE/ACFC cited information about cases of incitement by certain media to religious intolerance against religious denominations other than the Georgian Orthodox Church.⁹²

46. Similarly, COE/ECRI noted persisting allegations that children not belonging to the majority religion are sometimes subjected to pressure and harassment by teachers or other pupils. The response by police to instances of religious intolerance, while progressing, still leaves something to be desired in some cases, it added.⁹³

47. PD stated that several problematic areas connected with interference with the professional activities of journalists can be identified.⁹⁴ It noted inadequate responses to instances of physical abuse or illegal interference in a journalist's professional activity.⁹⁵ PD recommended strengthening protection of journalists on practical level and promptly, objectively and adequately investigating any violation of the rights of journalists.⁹⁶ COE/ACFC expressed particular concern at reports of attempts by Government officials or political representatives to influence the editorial policy and programmes of the media.⁹⁷

48. JS6 recommended that the legal provision guaranteeing release of public information should be strictly enforced in respect of all Government bodies.⁹⁸

49. JS2 noted that state-controlled media and media outlets close to the Government released biased reports portraying human rights defenders as "enemies and traitors of the nation" working against the interests of society. It expressed particular concern that those media outlets and certain political figures used sensitive topics such as the war with a neighbouring country in order to create hostile social attitudes against human rights defenders.⁹⁹ Similarly, JS6 noted a tendency by Government-associated media and some representatives of the ruling party to air negative and often unsubstantiated views against Georgian human rights NGOs, making the environment for human rights groups highly undesirable.¹⁰⁰

50. Education International noted that the Ministry of Education stated that teachers' communication with media is prohibited without its permission.¹⁰¹

51. PD recommended refining Georgia's legislation on assembly and manifestation to bring it in conformity with international standards.¹⁰² JS6 added that amendments were introduced in 2009 to the Code of Administrative Offences, including that violation of the Law on Assembly and Manifestation may lead to a considerable amount of fine or to an administrative detention for up to 90 days.¹⁰³

52. JS6 noted that continuous peaceful demonstrations in 2009 were followed by politically motivated arrests, particularly in the regions. Almost all the cases follow a certain pattern including that charges brought against those arrested are almost exclusively weapons possession or drug possession, based exclusively on police testimony.¹⁰⁴

53. JS6 noted that the 2008 general elections and the 2010 local elections were marred by numerous irregularities, including vote count fraud and intimidation of voters, observers and opposition election observers, as well as massive use of administrative resources by the ruling party.¹⁰⁵

54. JS5 noted the fact that women account only for six per cent of Members of Parliament is indicative of the cultural, legislative and internal party barriers hindering women's political empowerment.¹⁰⁶

55. COE/ACFC expressed concern about the lack of effective participation in public affairs by minorities,¹⁰⁷ noting that the main reason cited for this is lack of knowledge of the Georgian language.¹⁰⁸

7. Right to work and to just and favourable conditions of work

56. JS5 reported that the majority of women remain employed in low-paying fields. Many of these fields are undergoing privatization, leading to many women being made redundant or having their pay cut.¹⁰⁹ JS5 noted that the infringement of women's labor rights was intensified by the Labor Code adopted in 2006. The Code envisages the right of the employer to fire the employee without explanation, making "non-discrimination", one of the principles of the Code, just a phrase.¹¹⁰ JS6 elaborated that employees are often fired due to discrimination, for example, because of membership of a trade union, political opinions or exercise of the right to strike.¹¹¹

57. EI noted that unionized teachers are pressurized into giving up their union membership by Government officials, employers and education organizations.¹¹²

8. Right to social security and to an adequate standard of living

58. JS5 stated that poverty is one of the gravest problems in Georgia.¹¹³ JS5 noted that access to durable and adequate housing is sometimes a much more complex problem for single women, single mothers and internally displaced women who face domestic violence and would like to seek divorce.¹¹⁴

59. JS2 recommended that state social guarantees of war-affected civilians be raised and the state budget be vectored towards peace and confidence-building.¹¹⁵

60. COE/ACFC noted that a significant proportion of national minorities is particularly affected by unemployment and poverty, because they live in highly disadvantaged regions. This particularly applies to Samtskhe-Javakheti and Kvemo-Kartli.¹¹⁶ It noted that infrastructure development work in these regions has been carried out in recent years.¹¹⁷

61. COE/ACFC called for fair and equal access for all to the land privatisation process, with transparency of the privatisation process and monitoring mechanisms to evaluate its impact. National minorities should be effectively involved in such mechanisms.¹¹⁸

62. JS1 recommended that full access to comprehensive health care be provided to all children, including children with disabilities.¹¹⁹ JS1 recommended that the state should support the development of specialized day-care centers.¹²⁰ JS4 recommended that services to persons with disabilities should not be defined by the degree of the poverty, but by the degree of the disability and the actual necessities.¹²¹

63. JS1 noted that although there were some positive changes in recent years, the environment in psychiatric hospitals is non-therapeutic, degrading and intervenient for the recovery of the beneficiary.¹²² JS4 recommended that the number of therapeutic staff should increase in boarding houses and the risks of sexual violence should be identified and prevented.¹²³ COE/CPT called for a system of regular visits to psychiatric establishments by independent bodies authorized to talk privately with patients.¹²⁴

9. Right to education

64. JS1 noted that inclusive education has significantly progressed in recent years.¹²⁵ Positive changes in this area include the introduction of educational programs that enable all juvenile convicts to fulfill secondary education and get appropriate certificates.¹²⁶

65. JS4 noted that the infrastructure of educational institutions often is inaccessible for persons with disabilities and that there is a lack of qualified teachers.¹²⁷ It recommended that inclusive education be expanded across Georgia.¹²⁸

10. Minorities and indigenous peoples

66. PMMG noted that Georgia's political culture and attitude towards its minorities is largely characterized by a relatively high and lingering level of ethnic nationalism.¹²⁹

67. PMMG informed that there are five regions where ethnic minorities are concentrated and in some districts and municipalities they even compose a majority. These regions suffer from a shortage of teachers, and the number of admissions in national schools has been in constant decline. Despite constitutional provisions, the Georgian language dominates in many areas of society and therefore its mastery is often a pre-condition for political, economic and social integration.¹³⁰ JS2 noted that general negative attitudes towards minorities persist. The media is one of the main sources of reproduction of stereotypes towards minorities.¹³¹

68. JS2 added that women and girls belonging to national minorities in Georgia are subject to discrimination, including through early and forced marriage, labour exploitation, and domestic violence.¹³²

69. COE/ACFC stated that the Government should ensure that the policy of promoting the Georgian language is not pursued to the detriment of the linguistic rights of minorities. Equal access must be ensured to higher education for pupils who have studied in minority language schools. Participation of minorities in the country's cultural, social and economic life and in public affairs remains limited, and many of them are isolated from Georgian society, it added.¹³³

70. COE/ECRI recommended launching an awareness campaign to explain the historical reasons for the return of Meskhetian Turks so as to avoid any intolerance against them. It also recommended a comprehensive strategy addressing issues such as language learning, access to education and employment in favour of their integration.¹³⁴

11. Internally displaced persons

71. The Norwegian Refugee Council and the Internal Displacement Monitoring Centre (NRC-IDMC) stated that over 450,000 people in Georgia have been displaced by several waves of conflict. Some 255,000 people remain internally displaced in Georgia proper.¹³⁵ The COE Commissioner noted that most people displaced by the 2008 conflict had been able to return to their homes in the areas adjacent to South Ossetia, but most ethnic Georgians who fled South Ossetia itself have not been in a position to return.¹³⁶ He called for continued decisive efforts from the authorities and the international community to improve the situation of the large number of internally displaced persons (IDPs).¹³⁷

72. NRC-IDMC noted that during the development of the State Strategy on IDPs and the corresponding Action Plan, the Government made attempts to encourage input from such persons, but since that time, IDPs have not been sufficiently involved in decisions affecting their lives.¹³⁸

73. GYLA stated that the process of the registration of the persons displaced in August 2008 is not finalized yet. Legal protection mechanisms and right to social benefits are directly linked to the formal recognition of IDPs.¹³⁹

74. JS1 informed that internally displaced children and children living in the “buffer zone” face multiple problems in everyday living, education and health-care accessibility. Children living in the “buffer zone” were not fully secure.¹⁴⁰

75. NRC-IDMC noted that inadequate housing remains one of the main problems facing IDPs.¹⁴¹ With regard to people displaced in the 1990s, living conditions in collective centres are inadequate and it is generally assumed that those in the private sector face similar or worse hardships.¹⁴² With regard to people displaced in 2008, NRC-IDMC noted that they also face problems. The government response to provide them with permanent housing was prompt, but their living conditions are also inadequate.¹⁴³

76. GYLA emphasized the voluntary nature of resettlement and that housing opportunities should be offered in a non-discriminatory manner, giving priority to vulnerable cases.¹⁴⁴ GYLA added that the resettlement process should be carried out in accordance with standards for adequate living conditions.¹⁴⁵

77. NRC-IDMC noted that while there are no formal limitations on the right of IDPs to work, they are particularly affected by unemployment.¹⁴⁶ New settlements built for those displaced in 2008 are mostly in economically underdeveloped rural areas with little access to sustainable income generation.¹⁴⁷

78. NRC-IDMC stated that despite the Government’s attempt to address the financial barriers that IDPs face by providing textbook subsidies and funding, the economic barrier to education persists.¹⁴⁸ It added that IDP schools are in a worse state of disrepair than local schools.¹⁴⁹

79. According to NRC-IDMC, there appear to be unmet needs for psychosocial support for children affected by the 2008 conflict. To address this issue, the government has committed to ensuring there is a psychologist in every school.¹⁵⁰

80. JS2 noted that the Government of Georgia was responsible for not evacuating civilians from the conflict zone during the 2008 August War.¹⁵¹ According to JS2, domestic law obligates the Government of Georgia to compensate the victims of war.¹⁵² JS2 stated that the Government did not fulfill its obligation to make property restitution and/or compensation for IDPs and other war affected civilians.¹⁵³ JS2 noted that the majority of victims of the war do not have information about their rights and consequently, they often are satisfied with whatever the Government gives them.¹⁵⁴

12. Migrants, refugees and asylum seekers

81. COE/ECRI noted that the living conditions of refugees from a neighbouring country in Pankisi remain dire due to few income-generating opportunities.¹⁵⁵

13. Situation in or in relation to specific regions or territories

82. The COE Commissioner noted that the security situation in the conflict-affected areas has not stabilised entirely. He noted that further work was needed in the area of missing persons.¹⁵⁶ He also expressed his firm conviction that UN presence in the region would be required beyond June 2009. He called for free unhindered access for international organisations to all conflict-affected areas.¹⁵⁷

83. GYLA noted that pursuant to international law, Georgia remains legally responsible for positive obligations in terms of protection of human rights over the territories of

Abkhazia or Tskhinvali regions.¹⁵⁸ COE/ACFC encouraged a constructive approach to finding a just and lasting solution to the conflict over South Ossetia and Abkhazia.¹⁵⁹

84. The COE Commissioner welcomed efforts to raise awareness of the life-threatening risks of unexploded ordnance and called for alternative income-generating projects in agrarian areas until the land is cleared of explosive remnants of war.¹⁶⁰

85. COE/CPT called for abolition without delay of the death penalty in Abkhazia.¹⁶¹

86. COE/CPT called in 2009 for steps to prevent inter-prisoner intimidation at Dranda Prison.¹⁶² It also called for measures to ensure satisfactory hygiene standards.¹⁶³ It added that inadequate healthcare may rapidly lead to situations tantamount to inhuman and degrading treatment.¹⁶⁴ It recommended ensuring juveniles held at Dranda Prison are accommodated separately from adults.¹⁶⁵ COE/CPT raised concerns about the living conditions of patients at Dranda Psychiatric Hospital.¹⁶⁶

87. Regarding temporary detention facilities at Gali, Sukhumi and Tkvarcheli (IVS), COE/CPT stated that they all had deficiencies and that the Tkvarcheli IVS should be taken out of service.¹⁶⁷ It added that the situation of female detainees in the IVS facilities was far worse than that of men.¹⁶⁸

88. The COE Commissioner noted that according to Abkhaz law, an Abkhaz citizen is not allowed to concurrently hold Georgian citizenship.¹⁶⁹ The new Abkhaz passports are said to be mandatory when filing court claims or collecting pensions.¹⁷⁰ He noted that the question of passports and identity documents is the source of much uncertainty and anxiety to people in the Gali district.¹⁷¹

89. JS2 noted that in so called 'bordering villages' there is an acute problem of water - drinking and irrigation since water supplies come from the Tskhinvali Region.¹⁷² It added that the major problem for villages' inhabitants remains the inability to have an access to their own plots of arable lands located on the occupied territory.¹⁷³

90. JS2 noted that people in the villages of the former buffer zone can visit only the nearest Tkviavi outpatient clinic and have an emergency service available. The clinic lacks medical personnel, medicine and equipment. Due to high transportation cost and physical inability, many ill locals cannot afford to visit a doctor.¹⁷⁴ JS2 further noted that there are no shops for food products nor pharmacies in most of the villages.¹⁷⁵

91. The COE Commissioner cited concerns of the status of the Georgian language in schools in the Gali district.¹⁷⁶

III. Achievements, best practices, challenges and constraints

92. JS1 noted that many positive changes have been made in terms of updating legislation and bringing it to compliance with CRC and implementing new child care programs. But it added that vulnerable groups of children in particular, children without parental care, street children and children with disabilities are still exposed to problems such as poverty, lack of social integration, lack of accessibility of health and social services.¹⁷⁷

93. ECLJ noted that in recent years, constitutional protections have served to increase stability and religious freedom in Georgia.¹⁷⁸

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

N/A

Notes

- ¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council. Two asterisks denote a national human rights institution with “A” status)

Civil society

ECLJ	European Centre for Law and Justice*, Strasbourg, France
EI	Education International*, Brussels, Belgium
GIEACP	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom
GYLA	The Georgian Young Lawyers Association, Tbilisi, Georgia
NRC-IDMC	Norwegian Refugee Council (NRC)* and the Internal Displacement Monitoring Centre, Oslo, Norway
PMMG	Public Movement “Multinational Georgia”, Tbilisi, Georgia
RCT/EMPATHY	The Psycho – Rehabilitation Centre for Victims of Torture, Violence and Pronounced Stress Impact “EMPATHY”, Tbilisi, Georgia
JS1	Joint Submission 1 by Caritas Georgia, Children of Georgia, Ia, Child and Environment, Saphari, Support to Parents, Sakhli, The Georgian Center for Psychosocial and Medical Rehabilitation of Torture Victims, Global Initiative on Psychiatry-Tbilisi, Public Health and Medical Development Fund of Georgia – Child Support Center, Association for helping children with hearing and speech problems, National Network for protection from violence, and Anika in cooperation with Child and Woman’s Rights Centre at the Public Defender’s Office of Georgia
JS2	Joint Submission 2 by Human Rights Priority, the International Center on Conflict and Negotiation and the Caucasus Women’s Network
JS3	Joint Submission 3 by ILGA –Europe*, COC Netherlands, the Public Defender’s Office of Georgia** and Inclusive Foundation
JS4	Joint Submission 4, Georgia by the Coalition for Independent Living, consisting of the League of Persons with Disabilities, the Para Olympic Committee of Georgia, the Union of Social Rehabilitation of Children with Disabilities, Association Anika, Association of Women with disabilities of Georgia, Association for Support of Children with Hearing and Speech Impairments, Deaf Union of Georgia, Blinds Union of Georgia, Hemophilia and Donors’ Association of Georgia, Gori Club of Persons with Disabilities, Association Child with Disabilities, Family, Community, Children’s Home of Harmonic Development, Union Bridge of Parents, Association for People in Need of Special Care, Union of Warriors and Veterans with Disabilities “Demetre Tavaddebuli”, Library, Cultural Center Support, Union of Employment of Enterprisers with Disabilities, Global Initiative in Psychiatry-Tbilisi, Children of Georgia, First Step Georgia Foundation, Portege Association of Georgia, Association of Women with Disabilities and Mothers of Children with disabilities-DEA, Every Child, Association of Psychiatrists, Support for Parents, Karitasi and Youth Center for Independent Living, in Cooperation with the Center of Disability Rights at the Public Defender’s Office of Georgia.**
JS5	Joint Submission 5 by the Women’s Information Center, Advice Center for Women “Sakhli”, International Advisory Center for Education of Women, Peoni, Women’s Hope, Azeri Women’s Union of Georgia, Democrat Women’s Organization, “Tanadgoma” Center for Information, Counseling on Reproductive Health, Dynamic Psychology for Development and Democracy,

“Article 42 of the Constitution”, Anti – Violence Network of Georgia (AVNG), “Sabinebi” Association of Abkhazian Women, Women’s Educational Center “Tori”, Old ladies’ association “Dignified Old Age”, Association “Biliki”, Cultural-Humanitarian Fund “Sokhumi”, Association of Disabled Women and Mother of Disabled Children “DEA”, Women in Business, Coalition “For IDPs Rights”, Women’s Political Resource Center, Leaders for Democracy, and the Union “Women’s Initiatives Supporting Group

JS6 Joint Submission 6 by the Georgian Young Lawyers’ Association, Human Rights Centre, Article 42 of the Constitution, and Educators and Scientists Free Trade Union of Georgia

National human rights institution

PD Public Defender’s Office**, Tbilisi, Georgia

Regional intergovernmental organisation

COE Council of Europe, Strasbourg, France:

- The European Commission against Racism and Intolerance (COE/ECRI)
- The European Committee for the Prevention of Torture and inhuman or degrading treatment or punishment (COE/CPT), Report on the visit to the region of Abkhazia, Georgia, 27 April to 4 May 2009
- The European Committee for the Prevention of Torture and inhuman or degrading treatment or punishment (COE/CPT), Report to the Georgian Government on the visit to Georgia, 21 March to 2 April 2007
- Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Georgia (COE/ACFC), Adopted on 19 March 2009,
- Commissioner for Human Rights of the Council of Europe (COE Commissioner), Report on Human Rights Issues following the August 2008 Armed Conflict, 15 May 2009

² JS4, para. 4.

³ JS5, p. 12, recommendation 4.

⁴ COE/ECRI, p. 11.

⁵ JS2, para. 46.

⁶ JS1, para. 4.1.

⁷ JS4, para. 17.

⁸ JS6, para. 3.

⁹ RCT/EMPATHY, p. 5.

¹⁰ JS1, para. 6.1.

¹¹ COE/ACFC, para. 49.

¹² JS5, p. 3, section 1.

¹³ JS5, p. 3, section 4.

¹⁴ JS5, p. 4, recommendation 6.

¹⁵ JS2, para. 10.

¹⁶ JS4, para. 56.

¹⁷ COE/ECRI, p. 32.

¹⁸ COE/ECRI, p. 8.

¹⁹ COE/ECRI, p. 23.

²⁰ COE/ECRI, p. 8.

²¹ COE/ACFC, para. 67.

²² PMMG, p. 4, para.3.

²³ JS3, para. B 2, recommendation 4.

²⁴ JS3, para. B 2, recommendation 5.

²⁵ COE/ACFC, para. 37.

²⁶ COE/ACFC, para. 73.

²⁷ JS5, p. 3, section 5–6.

²⁸ JS5, p. 2, section 3.

- 29 COE/ECRI, p. 8.
30 JS1, para. 5.1.
31 JS1, para. 5.1.
32 JS4, para. 74.
33 JS3, para. B 1.
34 JS3, para. B 1.
35 JS3, para. B 1, recommendation 3.
36 JS3, para. B 3.
37 GYLA, para. 18.
38 JS2, para. 29.
39 GYLA, para. 21.
40 JS2, para. 52.
41 RCT/EMPATHY, p. 3.
42 RCT/EMPATHY, p. 2.
43 RCT/EMPATHY, p. 4.
44 RCT/EMPATHY, p. 4.
45 RCT/EMPATHY, p. 4.
46 JS2, para. 34.
47 JS5, p. 6, section 3.
48 JS2, para. 52.
49 JS6, para. 10.
50 PD, para. 15.
51 PD, para. 16.
52 JS6, para. 17.
53 JS6, para. 12.
54 JS6, para. 14.
55 COE/CPT Georgia, para. 13.
56 COE/CPT Georgia, para. 18.
57 PD, para. 7.
58 PD, para. 11.
59 RCT/EMPATHY, p. 5.
60 PD, para. 16.
61 PD, para. 9.
62 JS6, para. 18.
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64 COE/CPT Georgia, para. 20.
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66 COE/ACFC, para. 52.
67 JS5, p. 7, section 3.
68 JS5, p. 7, section 7.
69 GIEACP, para. 1.1.
70 GIEACP, para. 1.3.
71 JS1, para. 12.
72 JS1, para. 6.2.
73 JS1, para. 11.
74 JS6, para. 5.
75 JS6, para. 8.
76 PD, para. 18.
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78 JS6, para. 6.
79 COE/CPT Georgia, para. 19.
80 JS2, para. 35.
81 JS2, para. 36.
82 Referred in GYLA submission as “occupied territories.”
83 GYLA, para. 14.
84 GYLA, para. 16.

- 85 COE Commissioner, p. 3.
86 GYLA, para. 17.
87 COE/ACFC, para. 209.
88 COE/ACFC, para. 64.
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90 PMMG, p. 5, para. 12.
91 ECLJ, para. II.
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94 PD, para. 28.
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96 PD, para. 31.
97 COE/ACFC, para. 87.
98 JS6, para. 25.
99 JS2, para. 27.
100 JS6, para. 33.
101 EI, p. 2.
102 PD, para. 37.
103 JS6, paras. 30–32.
104 JS6, para. 16.
105 JS6, para. 34.
106 JS5, p. 4, section 3.
107 COE/ACFC, para. 145.
108 COE/ACFC, para. 146.
109 JS5, p. 10, section 1–2.
110 JS5, p. 10, section 4.
111 JS6, para. 37.
112 EI, p. 1.
113 JS5, p. 9, section 6.
114 JS5, p. 8, section 3.
115 JS2, para. 51.
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118 COE/ACFC, para. 162.
119 JS1, para. 8.
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122 JS4, para. 44.
123 JS4, para. 43.
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125 JS1, para. 9.
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133 COE/ACFC, p. 3.
134 COE/ECRI, p. 9.
135 NRC-IDMC, para. 1.
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138 NRC-IDMC, para. 19 (2).
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 - 142 NRC-IDMC, para. 7.
 - 143 NRC-IDMC, para. 9.
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 - 146 NRC-IDMC, para. 10.
 - 147 NRC-IDMC, para. 11.
 - 148 NRC-IDMC, para. 15.
 - 149 NRC-IDMC, para. 16.
 - 150 NRC-IDMC, para. 19.
 - 151 JS2, para. 20.
 - 152 JS2, para. 49.
 - 153 JS2, para. 21.
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 - 155 COE/ECRI, p. 9.
 - 156 COE Commissioner, p. 2.
 - 157 COE Commissioner, paras. 73–75.
 - 158 GYLA, para. 4.
 - 159 COE/ACFC, p. 7.
 - 160 COE Commissioner, p. 2.
 - 161 COE/CPT Abkhazia, para. 50.
 - 162 COE/CPT Abkhazia, para. 12.
 - 163 COE/CPT Abkhazia, para. 14.
 - 164 COE/CPT Abkhazia, para. 27.
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 - 166 COE/CPT Abkhazia, para. 89.
 - 167 COE/CPT Abkhazia, para. 52.
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 - 169 COE Commissioner, para. 59.
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 - 172 JS2, para. 15.
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